IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10251 of 1995

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CHANDUBHAI GANGARAM KAHAR

Versus

ADMINISTRATOR,BORIAVI NAGAR PALIKA

Appearance:

MR NS DESAI for Petitioner No. 1

NOTICE SERVED BY DS for Respondent No. 1-2

MR PJ VYAS for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 08/04/2004

ORAL JUDGEMENT

1. The petitioner was granted two ponds of village Boriavi for the purpose of fishing by the Nagar Panchayat, Boriavi in the year 1989. Subsequently the Panchayat has extended the said lease upto 30th September

1994.

2. The said decision of the Gram Panchayat giving ponds on lease basis was set aside by the District Collector by order dated 28th September 1994. The said matter was carried in revision before the Deputy Secretary, Urban Development and Urban Housing Department being Revision Application No.34/95, wherein the order of the Collector was confirmed and the revision application was dismissed by order dated 3.11.1995. It was also observed that the Nagar Panchayat was converted into Nagar Palika and thereafter the Collector has again heard the matter and an order was passed on 2nd January 1995. Even that order of the Collector was confirmed by the Deputy Secretary.

3. Heard Mr. Desai for the petitioner. In view of the fact that the term of the contract is already over, and even the term of the Nagar Panchayat which had granted extension is also over, no fruitful purpose will be served if the matter is heard on merits. The petition has, therefore, become infructuous.

4. The present petition is accordingly disposed of as having become infructuous. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]
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